

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

BANK OF NEW YORK,

Plaintiff,

Civil No. 05-2315 (JAF)

V.

EUSEBIA MARTINEZ-AFANADOR,

Defendant.

SCHEDULING ORDER

This is a simple case of foreclosure of mortgage. Under Fed. R. Civ. P. 16, as amended, the court is empowered to schedule and plan the course of litigation in order to achieve a just, speedy, and inexpensive determination of this simple action. Fed. R. Civ. P. 1; Fed. R. Evid. 102. In so doing, the court advises litigants that we firmly believe in the interplay of Fed. R. Civ. P. 7, 11, 16, and 26, as amended up to December 1, 2002.

Service of process has been perfected and defendant's term to plead or otherwise defend will expire on March 10, 2006. In the event that the defendant fails to plead or otherwise defend as required by law upon expiration of the time for the filing of the responsive pleading, the plaintiff will move for the entry of default and judgment by default or otherwise **not later than March 24, 2006**. If a responsive pleading is filed by the defendant before then, the plaintiff will immediately request a status conference hearing so that counsel and the court can plan the future course of this simple

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2 litigation. Open-file discovery will be immediately provided to the
3 defendants. Said open-file discovery will include every single
4 document which would be used at the trial of the action in order to
5 prove the debt object of collection. A notice attesting as to the
6 fact that open-file discovery has been provided will be filed
forthwith.

7 In the event that a status conference is held, the parties must
8 appear prepared to discuss settlement, and with plans for the payment
9 of the debt or other alternatives to put an end to the litigation.

10 **Failure on the part of the plaintiff to comply with the terms**
11 **and conditions of this order will entail an immediate dismissal for**
12 **lack of diligent prosecution. Fed. R. Civ. P. 41(b).**

13 **IT IS SO ORDERED.**

14 San Juan, Puerto Rico, this 23rd day of February, 2006.

15 S/José Antonio Fusté
16 JOSE ANTONIO FUSTE
17 U. S. District Judge